<u>Citzen Taxpayer Action:</u>
Center for Judicial Accountability v. Cuomo, et al. (Albany Co. #1788-2014)

# **COMPENDIUM I: Exhibits 24-36** to Plaintiffs' Verified Second Supplemental Complaint

# **TABLE OF EXHIBITS**

Exhibit 24-a:	Plaintiffs' December 1, 2015 letter to Secretary of the Senate and Assembly Records Access Officer – "RE: The Legislature's Certified Itemized Estimates of its Financial Needs for Fiscal Year 2016-2017, as Required by Article VII, §1 of the New York State Constitution"
Exhibit 24-b:	Secretary of the Senate's December 10, 2015 response
Exhibit 24-c:	Assembly Records Access Officer's December 8, 2015 response
Exhibit 24-d:	December 1, 2015 letter to Governor Cuomo, signed by Temporary Senate President Flanagan and Assembly Speaker Heastie
Exhibit 24-e:	16-page legislative budget for fiscal year 2016-2017
Exhibit 25-a:	Cover of Judiciary's budget for fiscal year 2016-2017, with Chief Administrative Judge Marks' December 1, 2015 transmitting memorandum
Exhibit 25-b:	Chief Judge's November 23, 2015 certification & Court of Appeals' approval—"Itemized Estimates of the Financial Needs of the Legislature"
Exhibit 25-c:	Judiciary's Section 1: Table of Contents; Executive Summary; Statistical Tables
Exhibit 25-d:	Judiciary's Section 1: "Single Budget Bill"
Exhibit 25-e:	Judiciary's Section 2: Table of Contents; Part III-Capital Projects
Exhibit 26-a:	Cover of Judiciary's budget of General State Charges for fiscal year 2016-2017; Chief Administrative Judge Marks' December 1, 2015 transmitting memorandum
Exhibit 26-b:	Chief Judge's November 23, 2015 certification & Court of Appeals' approval – "Itemized Estimates of the Financial Needs of the Judiciary for General State Charges"

Exhibit 26-c: Judiciary's table of contents to its General State Charges & contents

- Exhibit 27-a: Governor Cuomo's "Commentary of the Governor on the Judiciary"
- Exhibit 27-b: Governor Cuomo's Legislative/Judiciary Budget Bill #S.6401/A.9001
- Exhibit 28-a: "Legislature Announces Joint Budget Hearing Schedule", January 11, 2016
- Exhibit 28-b: "Flanagan and Heastie Announce Joint Legislative Budget Schedule", January 22, 2016
- Exhibit 29-a: Governor Cuomo's Division of Budget webpage for Judiciary's budget
- Exhibit 29-b: Senate Majority's "White Book"/Analysis: contents, pp. 91, 93
- Exhibit 29-c: Senate Minority's "Blue Book"/Analysis: contents (2<sup>nd</sup> page); pp. 177-179
- Exhibit 29-d: Assembly Majority's "Yellow Book"/Analysis: contents; pp. 145-146
- Exhibit 29-e: Assembly Minority's "Green Book"/Analysis, legislature-judiciary page
- Exhibit 30-a: Bill status/"Actions" for Legislative/Judiciary Budget Bill #S.6401/A.9001; Debt Service Bill #S.6402/A.9002
- Exhibit 30-b: Bill status/"Actions": the eight Senate and Assembly twice-amended budget bills
- Exhibit 30-c: Legislative Session Calendar: January June 2016
- Exhibit 31-a: March 14, 2016 Senate Resolution #4330
- Exhibit 31-b: Senate Majority Republican/Independent Democratic Coalition Conference's proposal for the Judiciary
- Exhibit 31-c: March 14, 2016 Assembly Resolution #1047
- Exhibit 31-d: Assembly Democratic Majority Conference's proposal for the Judiciary
- Exhibit 32: "Assembly and Senate Announce General Conference Committee Appointments"

Exhibit 33-a: 2015 Annual Report of the Senate Judiciary Committee – "Judiciary Budget for State Fiscal Year 2015-2016" Exhibit 33-b: 2015 Annual Report of the Assembly Judiciary Committee – "New York State's Judiciary Funding" Exhibit 34: Assembly Bill #7997 to amend Chapter 60, Part E of the Laws of 2015: Introducer's Memorandum Exhibit 35-a: Summary & Actions for Budget Bill #S4610-A/A.6721-A (Part E: Commission on Legislative, Judicial and Executive Compensation) Exhibit 35-b: (unamended) Budget Bill #S.4610/A.6721, introduced March 31, 2015 (pp. 1) Exhibit 35-c: (amended) Budget Bill #S.4610-A/A.6721-A, (pp. 1-3, 93-95 [full Part E]) Exhibit 36-a: Governor Cuomo's "Public Protection and General Government Article VII Legislation": Contents; 1st page draft; Part I (eye) establishing Commission on Legislative and Executive Compensation (pp. 84-88) Exhibit 36-b: Governor Cuomo's Memorandum in Support, pp. 14-15: Part I (eye) Commission on Legislative and Executive Compensation Exhibit 36-c: Senate Majority "White Book" for fiscal year 2015-2016 with its dedicated section on the Commission on Executive and Legislative Compensation (pp. 217-221) Exhibit 36-d: Actions: Budget Bill #S.2005/A.3005 (Part E: Commission on Executive and

Legislative Compensation)

omitted")

Exhibit 36-e: Introducer's Memorandum for Budget Bill #A.3005-B (Part E: "intentionally

<u>Citzen Taxpayer Action:</u>
Center for Judicial Accountability v. Cuomo, et al. (Albany Co. #1788-2014)

# **COMPENDIUM II: Exhibits 37-54** to Plaintiffs' Verified Second Supplemental Complaint

# **TABLE OF EXHIBITS**

Exhibit 37:	Plaintiffs' December 31, 2015 letter to Chief Judge Nominee/Westchester County District Attorney Janet DiFiore – "RE: So, You Want to be New York's Chief Judge? – Here's Your Test: Will You Safeguard the People of the State of New York – & the Public Fisc?" (enclosure to January 15, 2016 letter)
Exhibit 38:	Plaintiffs' January 11, 2016 e-mail to Senate Judiciary Committee Counsel – "Subject: Testing the Fitness of Chief Judge Nominee/D.A. DiFiore – CJA's December 31, 2015 letter" (enclosure to January 15, 2016 letter)
Exhibit 39:	Plaintiffs' January 15, 2016 letter to Temporary Senate President Flanagan and Assembly Speaker Heastie – "RE: IMMEDIATE OVERSIGHT REQUIRED"
Exhibit 40:	Plaintiffs' "Statement of Particulars in Further Support of Legislative Override of the 'Force of Law' Judicial Salary Increase Recommendations, Repeal of the Commission Statute, Etc." (enclosure to January 15, 2016 letter)
Exhibit 41:	Plaintiffs' January 26, 2016 letter to Chief Judge DiFiore – "RE: The Legislature's February 4, 2016 'Public Protection' Budget Hearing: Will You Do Your Duty to Apprise the Legislature of its Own Duty?" (enclosure to January 28, 2016 letters)
Exhibit 42:	Plaintiffs' January 28, 2016 letter to the Chairs and Ranking Members of the Fiscal and Judiciary Committees – "Subject: The Legislature's February 4, 2016 'Public Protection' Budget Hearing"

- Exhibit 43: Plaintiffs' January 28, 2016 letter to Temporary Senate President Flanagan,
  Assembly Speaker Heastie, Senate Minority Leader Stewart-Cousins, and
  Assembly Minority Leader Kolb "Subject: To Which Committee(s) Have You
  Assigned Oversight of the December 24, 2015 Report of the Commission on
  Legislative, Judicial & Executive Compensation & the Legislature's Duty to Not
  Only Override its Judicial Salary Increase Recommendations, but to Repeal the
  Commission Statute, etc."
- Exhibit 44: Plaintiffs' February 2, 2016 e-mail with "Questions for Chief Administrative Judge Lawrence Marks"
- Exhibit 45: Plaintiffs' February 3, 2016 e-mail with "Questions for Temporary Senate President John Flanagan and Assembly Speaker Carl Heastie"
- Exhibit 46: Plaintiffs' February 18, 2016 letter to Senate Finance Committee Chair Young and Ranking Member Krueger and Assembly Ways and Means Committee Chair Farrell and Ranking Member Oaks "RE: Your Violation of Legislative Law 32-a with Respect to the Judicial and Legislative Budgets for Fiscal Year 2016-2017 and Budget Bill #S.6401/A.9001..."
- Exhibit 47: Plaintiffs' "Summary/Analysis of the Governor's Commentary, of his Division of the Budget Webpages for the Legislative & Judiciary Budgets, and of the Legislature's 'White', 'Blue', 'Yellow', and 'Green' Books" (enclosure to February 18, 2016 letter)
- Exhibit 48: Plaintiffs' February 19, 2016 letter to Chairs and Ranking Members of Judiciary Committees, Senate Committee on Investigations and Government Operations, and Assembly Committee on Governmental Operations "RE: Preventing Yet Another 'Grand Larceny of the Public Fisc…"

## FOIL/Records Requests to Office of Court Administration

Exhibit 49-a: Plaintiffs' December 9, 2015 FOIL/records request to OCA –

"RE: The Dollar Amounts of the Judicial Salary Increases Recommended by the Commission on Judicial Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation's August 29, 2011 Report – and 'General State Change Park in The Compensation (Change Park in The Compensat

State Charges' Resulting Therefrom"

Exhibit 49-b: OCA December 9, 2015 acknowledgment

Exhibit 49-c: Plaintiffs' January 22, 2016 e-mail – "Subject: STATUS..."

Exhibit 49-d: OCA's January 22, 2016 response

Exhibit 49-e: Plaintiffs' February 24, 2016 e-mail – "Subject: AGAIN WHAT IS THE

STATUS..."

Exhibit 49-f: OCA's February 24, 2016 response

Exhibit 49-g: OCA's March 4, 2016 letter

Exhibit 50-a: Plaintiffs' February 4, 2016 FOIL/records request to OCA –

"RE: The Judiciary's agreed-to, if not proposed, reductions to its budget request

for fiscal year 2015-2016"

Exhibit 50-b: OCA February 5, 2016 acknowledgment

Exhibit 50-c: Plaintiffs' March 11, 2016 e-mail: "Subject: WHAT IS THE STATUS?..."

Exhibit 50-d: Plaintiffs' February 5, 2016 FOIL/records request to OCA –

"Chief Administrative Judge approvals of increases, decreases, and interchanges in fiscal year 2015-2016, as authorized by 2 of Legislative/Judiciary Budget Bill

#S.2001-a/S.3001-a"

Exhibit 50-e: OCA February 5, 2016 acknowledgment

Exhibit 50-f: Plaintiffs' March 11, 2016 e-mail: "Subject: WHAT IS THE STATUS..."

Exhibit 50-g: OCA's March 11, 2016 letter/response

# FOIL/Records Requests to Senate & Assembly Fiscal Committees/ Senate & Assembly, Governor, & Division of the Budget

Exhibit 51-a: Plaintiffs' February 22, 2016 records request to Senate Finance Committee Chair Young & Ranking Member Krueger -"RE: The Governor's 'introducer's memorandum' and 'fiscal note' for his Article VII Legislative/Judiciary Budget Bill #S.6401/A.9001" Exhibit 51-b: Plaintiffs' February 23, 2016 transmitting letter to cc's Exhibit 51-c: February 29, 2016 response of Secretary of the Senate Exhibit 52-a: Plaintiffs' February 23, 2016 records request to Assembly Ways & Means Chair Farrell & Ranking Member Oaks -"RE: The Governor's 'introducer's memorandum' with 'statement of...fiscal impact' for his Article VII Legislative/Judiciary Budget Bill #S.6401/A.9001" Exhibit 52-b: March 1, 2016 response of Assembly Records Access Officer Exhibit 53-a: Plaintiffs' February 23, 2016 FOIL/records request: "RE: The Legislature's budget for fiscal year 2016-2017, its 'General State Charges', and its reappropriations popped into the back of the Governor's Legislative/Judiciary Budget Bill #S.6401/A.9001" Exhibit 53-b: Secretary of the Senate's March 1, 2016 response Exhibit 53-c: Assembly Public Access Officer's March 1, 2016 response Exhibit 53-d: Governor's FOIL Counsel's March 1, 2016 acknowledgment Exhibit 53-e: Division of Budget's FOIL Officer's March 2, 2016 acknowledgment Exhibit 54-a: Plaintiffs' February 1, 2016 FOIL/records request: "RE: Where are the Legislature's reports on the Enacted Budgets, Required by State Finance Law 22-b? Request for the Legislature's reports on the enacted Legislative/Judiciary budget bills from fiscal year 2009-2010 through fiscal year 2015-2016" Exhibit 54-b: Assembly Records Access Officer's February 8, 2016 letter Exhibit 54-c: Assembly Program & Counsel Staff's February 9, 2016 e-mail

Exhibit 54-d: Secretary of the Senate's February 8, 2016 e-mail

Exhibit 54-e: Plaintiffs' February 22, 2016 e-mail: "Subject: Clarification..."

Exhibit 54-f: Secretary of the Senate's February 29, 2016 e-mail

Exhibit 54-g: Plaintiffs' February 26, 2016 e-mail to Assembly Records Access Officer

Exhibit 54-h: Assembly Records Access Officer's March 1, 2016 e-mail

Exhibit 54-i: Assembly Records Access Officer's March 3, 2016 e-mail

#### **Citzen Taxpayer Action:**

Center for Judicial Accountability v. Cuomo, et al. (Albany Co. #1788-2014)

### FREE-STANDING EXHIBIT

# PLAINTIFFS' SUBMISSIONS TO THE COMMISSION ON LEGISLATIVE, JUDICIAL & EXECUTIVE COMPENSATION –

furnished, as well to Chief Judge Nominee Janet DiFiore by Plaintiffs' December 31, 2015 letter: "So, You Want to be New York's Chief Judge? – Here's Your Test: Will You Safeguard the People of the State of New York -- & the Public Fisc?" [Exhibit 37]

<u>Full</u> copy of CJA's October 27, 2011 Opposition Report to the Commission on Judicial Compensation's August 29, 2011 Report [already in Court's possession]

Plaintiffs' November 30, 2015 written testimony, with attached exhibits

Plaintiffs' December 2, 2015 supplemental submission

Plaintiffs' December 21, 2015 further submission

Plaintiffs' June 27, 2013 conflict-of-interest/ethics complaint to JCOPE

# <u>Plaintiffs' FOIL/Records Requests</u> to Commission on Legislative, Judicial & Executive Compensation

I. Plaintiffs' December 7, 2015 FOIL/records request – "Subject: Your media advisory to 100 media outlets throughout the state & wire services"

OCA's December 10, 2015 acknowledgment

Plaintiffs' February 24, 2016 e-mail to OCA – "STATUS..."

OCA's March 4, 2016 letter/response

II. Plaintiffs' January 4, 2016 FOIL/records request – "Subject: records containing the 'numbers' as to 'real dollars' & 'cost'"

Chair Birnbaum's January 4, 2016 acknowledgment that will forward to all Commissioners

Plaintiffs' January 5, 2016 reply

Plaintiffs' February 24, 2016 e-mail – "Subject: STATUS..."

OCA's March 4, 2016 letter/response